

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ASHER JAMES BECKER,

Plaintiff,

v.

WHATCOM COUNTY, *et al.*,

Defendants.

Case No. C15-285-RAJ-JPD

ORDER

The Court, having reviewed plaintiff's complaint, the Aramark defendants' motion to dismiss, the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, any objections thereto, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) The Aramark defendants' motion to dismiss this action (Dkt. # 30) is DENIED.
- (3) The Aramark defendants are directed to file an answer to plaintiff's complaint within *twenty (20) days* of the date on which this Order is entered.

1 Furthermore, the Court, having reviewed Plaintiff's Objections to Denial of Plaintiff's
2 Motion for Appointment of Counsel (Dkt. # 54) and the Aramark defendants' objections thereto
3 (Dkt. # 56), hereby does find and ORDER:

4 (1) Plaintiff has not demonstrated "exceptional circumstances" to justify appointing
5 counsel. *See Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). Plaintiff simply restates
6 identical grounds for appointment of counsel as he raised in his original motion. *Compare* Dkt. #
7 38 *with* Dkt. # 54. As previously noted, none of these grounds appointment of counsel at this
8 juncture. *See* Dkt. # 52 at 2-3.

9 (2) Plaintiff's Objections are also an improperly filed motion for reconsideration.
10 Plaintiff filed the Objections sixteen days after the order denying his original motion, or two days
11 after they were due. *See* Local Rules W.D. Wash. LCR 7(h)(2). Furthermore, the Objections do
12 not point to any manifest error, new facts, or new legal authority which could not have been
13 brought to the Court's attention earlier with reasonable diligence.

14 (3) For these reasons, the Court denies Plaintiff's Objections to Denial of Plaintiff's
15 Motion for Appointment of Counsel.

16 (4) The Clerk is directed to send copies of this Order to plaintiff, to all counsel of
17 record and to the Honorable James P. Donohue.

18 DATED this 14th day of September, 2015.

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22 The Honorable Richard A. Jones
23 United States District Judge